

## ARTICLE 14 LAYOFF

### 14.1 Order of Layoff

When one or more employees in the same class in a City department are to be laid off for lack of work, purposes of economy, curtailment of positions or other reason, the order of layoff shall be as follows:

- 14.1.1 Provisional employees in the order to be determined by the appointing authority.
- 14.1.2 Probationary employees in the order to be determined by the appointing authority.
- 14.1.3 Permanent employees in inverse order of seniority within the classification being reduced, or in a higher class.
- 14.1.4 Permanent employees shall be given every opportunity for transfer to other departments when layoff is pending.

### 14.2 Notice of Layoff

Employees subject to the provisions of this Article shall, wherever possible, be given at least thirty (30) calendar days notice in writing prior to the effective date of layoff. The appropriate employee organizations shall receive concurrent notice, and upon written request within seven (7) calendar days after the notice is given shall be afforded an opportunity to meet with the appropriate City representatives to discuss the circumstances necessitating the layoff and any proposed alternatives to such layoff.

### 14.3 Reassignment in Lieu of Layoff

In the event of layoff, any employee so affected may elect to:

- 14.3.1 Accept a position in a lateral or lower class in which the employee has previously served, or a position in a lateral or lower class within the series containing the class from which the employee is being laid off, provided the employee is otherwise qualified and is more senior than the least senior employee in such lateral or lower class.
- 14.3.2 Accept a vacant position in a lateral or lower class for which the employee has the necessary education, experience, and training as determined by the Human Resources Director. An employee may also accept a vacant position in a higher class provided the employee has held permanent status in such higher class and further provided that the employee's removal from the higher class was voluntary and occurred during the employee's most recent period of employment. Adverse decisions of the Employee Services Director regarding necessary education, experience, and training shall be subject to the grievance procedure including arbitration. The employee may file the grievance at Step III within ten (10) working days of the date of being notified of the adverse decision.
- 14.3.3 Any employee entitled to an option noted above, which involves assignment to a lower classification, may elect to be placed on layoff in lieu of accepting such assignment to the lower class. In the event the employee elects to be placed

on layoff, such employee will only be recalled to the classification from which he/she elected to be placed on layoff or to any higher classification to which he/she may be entitled pursuant to the provisions of this Article.

14.4 As used in this Article, the following words and phrases shall be defined as follows:

14.4.1 Except as otherwise provided above, seniority shall be defined as the length of continuous paid employment within any permanent class or classes within the classified service of the City. Seniority shall be retained but shall not accrue during any period of leave without pay, except for authorized military leave.

14.4.2 A lower class shall mean a class with a lower salary range.

14.4.3 A position in a lateral class shall mean a position in a class with the same salary range.

14.4.4 A position in a higher class shall mean a position in a class with a higher salary range.

14.5 Except as otherwise provided herein, no employee shall be entitled to a position in a higher class as a result of the application of the provisions of this Article.

14.6 Layoff Reinstatement Eligible List

14.6.1 The names of such persons who are laid off or who elect reassignment in lieu of layoff in accordance with the provisions of 14.3 of this Article shall be placed upon a Reinstatement Eligible List in inverse order of seniority; i.e., the person with the greatest seniority on the Reinstatement Eligible List for the classes affected shall be offered reinstatement when a vacancy exists in the affected class. In the event the person refuses the offer of reinstatement, such person's name shall be removed from the Reinstatement Eligible List unless such person has reinstatement rights under the provisions of this Article to a higher class than the one in which the reinstatement is being refused.

14.6.2 In the event an employee accepts reinstatement to a lower class to which he/she is entitled, such person's name shall remain on the Reinstatement Eligible List for reinstatement to a lateral class provided such person, except for lack of seniority, would have been otherwise entitled to such lateral class at the time of the most recent layoff.

14.6.3 Any person who is reinstated to a class, which is the highest class to which he/she would have been entitled at the time of the layoff, shall have his/her name removed from the Reinstatement Eligible List.

14.6.4 In the event a person on layoff cannot be contacted by the City through usual and customary channels within ten (10) working days, such person's name shall be removed from the Reinstatement Eligible List, providing, however, that such person within the three-year period specified herein may request that his/her name be replaced on the Reinstatement Eligible List and such person's name may, in the sole discretion of the Human Resources Director, be returned to the Reinstatement Eligible List.

- 14.6.5 In no event shall the name of any person laid off pursuant to the provisions of this Article remain on a Reinstatement Eligible List for a period longer than three (3) years from the effective date of such person's most recent layoff.
- 14.7 Upon reinstatement to any classification to which the employee is entitled pursuant to the provisions of this Article, all benefits acquired by the employee prior to his/her layoff shall also be reinstated. An employee shall not receive credit for time spent on layoff in computing time for any benefit entitlement.

## ARTICLE 15 BULLETIN BOARDS

- 15.1 The Union may use designated portions of City bulletin boards in departments that have employees in the Representation Unit for which the employee organization is recognized.
- 15.2 Subject to the provisions contained herein, the following types of Union notices and announcements listed below may be posted on the bulletin boards:
- 15.2.1 Meetings, elections, welfare, recreational and social affairs and such other notices as may be mutually agreed upon between the Union and the Municipal Employee Relations Officer.
- 15.3 All material shall identify the Union responsible for its posting. Copies of all material to be posted must be filed with the Municipal Employee Relations Officer who shall have the whole and exclusive right to order the removal of any objectionable material.
- 15.4 The Municipal Employee Relations Officer shall notify the Union of any material ordered removed. The Union shall be given the opportunity to revise the material to delete the objectionable section or sections.
- 15.5 The City reserves the right to determine where the bulletin boards shall be placed and what portion of such bulletin boards is to be allocated to employee organizations.
- 15.6 Failure of the Union to abide by the provisions of this Article shall result in the forfeiture of the Union's right to have materials posted on City bulletin boards. The City agrees it will not exercise its rights provided herein in an arbitrary and capricious manner.

## ARTICLE 16 HOLIDAYS

- 16.1 Except as hereinafter otherwise provided, each full-time employee shall be entitled to paid holiday leave on each of the following specified days and on no other day, during the term of this Agreement:
- |        |                        |                        |
|--------|------------------------|------------------------|
| 16.1.1 | New Years Day          | Columbus Day           |
|        | Martin Luther King Day | Veterans Day           |
|        | President's Day        | Thanksgiving Day       |
|        | Cesar Chavez Day       | Day After Thanksgiving |
|        | Memorial Day           | Christmas Eve          |
|        | Independence Day       | Christmas Day          |
|        | Labor Day              | New Year's Eve Day     |